

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS PLANNING SUB-COMMITTEE – 6 JANUARY 2014

**TREE PRESERVATION ORDER NO.31/1981 – HUNTS CLOSE, THE HILL,
BURFORD (141.90/9)**

REPORT OF THE HEAD OF PLANNING AND SUSTAINABLE COMMUNITIES

(Contact: Nick Dalby, Tel: (01993) 861662)

(The decision on this matter will be a resolution)

1. PURPOSE

To consider an application to fell a Lawson's cypress tree at Hunts Close, The Hill, Burford that is included in Tree Preservation Order No.31/1981.

2. RECOMMENDATIONS

That the application be refused.

3. BACKGROUND

- 3.1. In 1981 the Uplands Area Planning Sub-Committee confirmed a tree preservation order to protect trees growing on land which was subsequently developed as a sheltered housing complex at Hunts Close, Burford.
- 3.2. An application has been received to fell a Lawson's cypress tree which is growing to the side of the property on the southern boundary. It is identified as T15 in the Tree Preservation Order.
- 3.3. The reason for wishing to do so, as set out in the application, is that the owner of an adjacent property has raised concerns about the proximity of the tree in relation to a flue located within the roof of the neighbouring building. The concern is that debris or embers may fall into the tree from the flue.

4. PLANNING ASSESSMENT

- 4.1. The tree which is the subject of this application is part of a group of trees which are growing around the Hunt's Close complex. Cumulatively, they contribute to the setting of the complex and the setting of the wider Conservation Area. They are considered to have high public amenity value in that they add to the leafy character of the area on the crest of The Hill, which sharply contrasts with the more built up parts of the town immediately to the north. The subject tree is situated in the background at the western edge of the group of trees and is visible in local views, particularly from the main road.
- 4.2. The Council has to consider the reason put forward to justify felling the tree and balance this against the contribution it makes to public amenity.
- 4.3. The Council's Building Control Service has been consulted on the application and has advised that there are no technical reasons why the tree would need to be removed. In the absence of evidence indicating why the tree and the flue are not compatible it is recommended that the application be refused bearing in mind it is considered that the tree continues to provide some benefit in terms of its amenity value.

5. ALTERNATIVES/OPTIONS

Permission could be granted to fell the tree with, or without, a condition requiring a replacement to be planted.

6. FINANCIAL IMPLICATIONS

TPO's make provision for the payment by the LPA of compensation for the loss or damage caused or incurred as a result of their refusal of any consent under the TPO. However, the TPO includes provisions to limit the LPA's liability and is dependent on the details of each particular case.

7. RISKS

None

8. REASONS

To protect and enhance the environment in accordance with the Council Plan.

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Background Papers:

TPO 31/81